



# Ohio Legislative Service Commission

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## Bill Analysis

William Schwartz

### H.B. 160

131st General Assembly  
(As Introduced)

**Reps.** DeVitis, Becker, Hood, Brenner, Butler, Blessing, Kraus, Antani, Terhar, Phillips

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### **BILL SUMMARY**

- Prohibits a state institution of higher education from producing, publishing, or requiring a student to purchase a proprietary or customized textbook, unless that textbook is required for a course exclusively offered by the institution.
  - Prohibits faculty members of state institutions of higher education from requiring a student to purchase a proprietary or customized textbook, unless the course is exclusively offered by the institution.
  - Specifies that textbooks required for a course offered by a state institution must be made available for purchase through at least two suppliers, one of which must not be owned by or affiliated with the institution, unless the course is exclusively offered by the institution.
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### **CONTENT AND OPERATION**

#### **Restrictions on textbooks at state institutions of higher education**

The bill generally prohibits (1) a state institution of higher education from producing, publishing, or requiring a student to purchase a proprietary or customized textbook, and (2) faculty members of state institutions from requiring a student to purchase a proprietary or customized textbook.<sup>1</sup> It also provides that textbooks required for a course offered by a state institution must be made available for purchase through

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<sup>1</sup> R.C. 3345.37(B)(1) and (2).

at least two suppliers, one of which must *not* be owned by or affiliated with the institution.<sup>2</sup>

For these purposes, the bill defines a "proprietary textbook" as a textbook that is used, produced, or marketed under exclusive legal right of any state institution of higher education or of a faculty member of any state institution, and for which the faculty member or institution earns royalties or other financial benefit upon the textbook's purchase. It also defines "customized textbook" as any customized educational material, any combination of original manuscripts, published journal articles, book excerpts, photographs, or illustrations, including, but not limited to, course instructional materials authored in part by the faculty member who assigned the textbook.<sup>3</sup>

However, the bill provides an exception from these restrictions for exclusively offered courses (see below).

### **Exception for exclusively offered courses**

The bill states that its restrictions on textbooks *do not apply* to courses that are "exclusively offered" by the state institution. It further specifies that a course is exclusively offered "when the subject matter of the course is discrete, unique, and not offered by any other state institution of higher education in the same or substantially similar format or manner." The bill clarifies that a course is *not* exclusively offered by a state institution if (1) the Chancellor of Higher Education determines the course is transferable, or (2) the course is specified in an articulation or transfer agreement<sup>4</sup> between state institutions of higher education.<sup>5</sup>

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## **HISTORY**

<b>ACTION</b>	<b>DATE</b>
Introduced	04-21-15

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<sup>2</sup> R.C. 3345.37(C).

<sup>3</sup> R.C. 3345.37(A)(2) and (3).

<sup>4</sup> See R.C. 3333.16, 3333.161, and 3333.162, none in the bill.

<sup>5</sup> R.C. 3345.37(A)(4). The bill uses the term "Chancellor of the Board of Regents," but the Chancellor's title was changed by H.B. 64 of the 131st General Assembly to Chancellor of Higher Education, effective September 29, 2015.

